

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVERNOTE CORPORATION,
Petitioner,

v.

TALSK RESEARCH, INC.,
Patent Owner.

Case IPR2017-01154
Patent 7,178,097 B1

Before SALLY C. MEDLEY, MELISSA A. HAAPALA, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

JUDGMENT

Termination of Proceeding Due to Settlement and
Granting Request to Treat Agreement as Business Confidential Information
35 U.S.C. § 317 and 37 C.F.R. § 42.72

On January 10, 2017, the parties filed a joint motion to terminate the proceeding, explaining that the parties have reached an agreement to dismiss the related district court case, which was accordingly dismissed on January 8, 2018. *See* Paper 18 at 3–4. The parties attached a copy of the written settlement agreement to their motion, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Ex. 1023. The parties also filed a joint request under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) that their agreement be treated as confidential business information. Paper 20. We authorized the filing of these papers in an email dated January 9, 2018.

We instituted trial for this proceeding on September 28, 2017. At this early stage of the proceeding, the Board does not have before it full briefing on the trial issues and the Board has not entered a final decision.

Based on the facts of this case, it is appropriate to terminate the proceeding without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

Accordingly, it is

ORDERED that the parties’ joint request that the agreement be treated as business confidential information, to be kept separate from the patent file is *granted*;

FURTHER ORDERED that the joint motion to terminate the proceeding is *granted*; and

FURTHER ORDERED that the proceeding is *terminated*.

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